



Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	County Council
Date:	15 September 2023
Subject:	Political Proportionality and Allocation of Seats to Committees and Sub-Committees

Summary:

Following the recent By-Election the Council may (if a change to political groups is made) be required to review the political proportionality affecting the allocation of seats on Committees and Sub-Committees.

This report invites the Council, to note the impact on the allocation of seats in accordance with the political balance rules of the outcome of the By-Election and accordingly, approve the necessary amendments to the allocations of seats on Committees, Sub-Committees, Panels, Boards and Working Groups.

Recommendation(s):

That the Council approves the allocation of Committee seats (as detailed in Appendix A circulated in the Order of Proceedings) in accordance with the political balance rules.

1. Background

- 1.1 The County Council last agreed the overall proportionality figures and Appointments to Committees at its Annual Meeting in May 2023 for the ensuing municipal year.
- 1.2 The authority lost Councillor Robert Parker earlier this year due to his resignation, triggering a By-Election for the Lincoln Carholme Division. This will take place on Thursday 14th September 2023, the results of which will be announced at this meeting of Council.
- 1.3 The By-Election is being contested between candidates from five different political parties. If, immediately following the election the successful candidate notifies the proper officer of their wish to join the corresponding group on the Council, then

the Council will be under a duty to review the allocation of seats on the Committees of the Council as soon as practicable after notification is received.

- 1.4 The first practicable opportunity to review allocation will be at the meeting on 15th September and it is deemed too significant a delay to wait to report this to the forthcoming meeting of Council on 8th December 2023.
- 1.5 By virtue of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990 (as amended) this report brings forward a review of the allocation of places to political groups on Committees and Sub-Committees of the Council. In order to achieve political proportionality as far as is reasonably practicable the 1989 Act requires the Council to apply certain principles as follows:
- not all the seats on the Committee are allocated to the same group;
 - the majority of seats on the Committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - the number of seats allocated to a political group on the Committees of the Council bears the same proportion to all the seats on such Committees as the membership of that group bears to the membership of the Council as a whole; and
 - the number of seats allocated to a political group on an individual Committee bears the same proportion to the number of all the seats on that Committee as the membership of that group bears to the membership of the Council as a whole.

The membership of each group must be compared to the membership of the Council to establish the correct proportion to be used in the allocation of seats. Under Schedule 1 of the 1989 Act "membership" means the number of persons who are Members for the time being of the Authority. The number of Members at the time of this decision is 69.

- 1.6 Under Regulation 16 of the 1990 Regulations, where some of the Members of the relevant authority are members of one or more political groups and the others are not, the Council's obligations are as follows:
- i) to determine the proportion of the total membership of the Council who are members of one or more political groups and ensure that the same proportion of the total number of seats to be filled is allocated to each of the political groups in the proportion that the number of members of that group bears to the membership of the authority; and
 - ii) to ensure that Non-Aligned Members are allocated any seats which do not fall to be earmarked for a political group under the above requirement.

A political group must have at least two members – i.e. there cannot be a group of one.

- 1.7 There are 130 Committee seats, and 14 seats on Sub-Committees that fall to be filled by the Council.
- 1.8 **Appendix A** (circulated in the OOP) sets out how the allocation of seats best meets the requirements of Section 15 of the 1989 Act and the requirements of the 1990 Regulations as far as is reasonably practicable.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

There are not any equalities impacts arising out of considering and approving the allocation of seats on Committees and Sub-Committees to political groups on the Council.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to the allocation of seats on Committees and Sub-Committees to political groups on the Council

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are no implications in relation to Crime and Disorder arising from the allocation of seats on committees and sub-committees to political groups on the Council

3. Conclusion

It is a matter for the Council to agree the size and terms of reference for its Committees and its Boards and allocate seats to the political groups on the Council, which it must do in accordance with the law relating to proportionality.

4. Legal Comments:

Council is required to allocate seats on the Committees of the Council to political groups in accordance with the law relating to proportionality as set out in the report. The decision is within the remit of the Council.

5. Resource Comments:

There are no material financial implications from acceptance of the recommendations in this report.

6. Consultation**a) Has Local Member Been Consulted?**

N/A

b) Has Executive Councillor Been Consulted?

N/A

c) Scrutiny Comments

N/A

d) Risks and Impact Analysis

N/A

7. Appendices

These are listed below and attached within the Order of Proceedings:

Appendix A	Proportionality as at September 2023
------------	--------------------------------------

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nicola Calver, who can be contacted on 07387 133755 or nicola.calver@lincolnshire.gov.uk.

This page is intentionally left blank